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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Chile

General

1. It is indicated in the seventh periodic report of Chile (CEDAW/C/CHL/7, paras. 10, 27, 39, 55 and 158)[1] that the State party works closely with non-governmental organizations (NGOs) on issues involving women's human rights. Please explain whether and to what extent NGOs, in particular women's organizations, were involved in and consulted during the preparation of the report. Please provide information on whether the National Human Rights Institute was consulted in the preparation of the report. Please also indicate whether the report was adopted by the Government and presented to the Congress.

Visibility of the Convention

2. Please provide examples of any cases in which domestic courts have referred to the provisions of the Convention. Please indicate whether the Convention and the Committee's general recommendations are being integrated into capacity-building programmes for lawmakers, judges, prosecutors and lawyers, as well as for the police and other law enforcement officials. Please further indicate whether the Ministry for Women and Gender Equity is integrating the Convention and the Committee's general recommendations into its programmes with civil society organizations and NGOs.

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party.

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Constitutional, legislative and institutional framework

3. In the report, it is indicated (para. 43) that the draft Act (bill No. 2667-10) approving the ratification of the Optional Protocol to the Convention is at the second procedural stage in the Senate. Please provide updated information on the current status of the draft. Please also provide updated information on any other legislative measures taken since the submission of the report.

4. It is indicated in the report (para. 5) that "equity is a means for achieving equality", which is not consistent with the Convention. It is further indicated (para. 3) that the Office of the Minister and Secretary-General of Government, in consultation with international organizations, is coordinating the preparation of draft amendments to Act No. 20.609 on measures against discrimination of women. Please clarify the State party's understanding of the concept of equality in line with the Convention and provide information on measures taken to implement the Committee's previous recommendation (CEDAW/C/CHL/CO/5-6, para. 11). In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide updated information on the current status of the amendments and indicate whether they are consistent with the Convention and target 5.1. Please indicate which international organizations were consulted in the preparation of the amendments.

5. According to the report (para. 4), under article 1 of Act No. 20.820 creating the Ministry for Women and Gender Equity, the Ministry shall work on "the design, coordination and evaluation of policies, plans and programmes for promoting gender equity and equal rights and eliminating all forms of arbitrary discrimination against women". Please clarify what is meant by "arbitrary discrimination against women". Please indicate whether the Ministry for Women and Gender Equity has elaborated a plan on gender equality.

Access to justice

6. Please describe the measures taken to enhance women's legal literacy and awareness of their rights, including by making information available in the relevant languages, and to create the conditions necessary for women to have access to justice and claim their rights. Please indicate if women with low incomes have adequate access to good-quality representation in regard to legal aid. Please provide information about legal aid in all areas of law and the judicial remedies available to women, including women in rural areas and indigenous women; please also indicate whether women with disabilities have access to justice and good-quality representation. Please provide examples of any cases in which domestic courts have referred to the provisions of the Convention.

National machinery for the advancement of women

7. It is mentioned in the report (paras. 7 and 8) that, in 2015, the State party established the Ministry for Women and Gender Equity, the Council of Ministers for Gender Equality, the National Service for Women and Gender Equality and the Regional Commissions on Gender Equity to promote the mainstreaming of gender equality and apply a gender perspective across all State policies and activities. Please provide detailed information on the mandate, the human, technical and financial resources and the current gender composition of the above-mentioned bodies, as well as information on the coordination mechanisms in place to accomplish their mandates. Please also indicate whether the Office of the Undersecretary for Human Rights (para. 9) incorporates a gender perspective in its programmes and activities.

Temporary special measures

8. It is stated in the report (para. 48) that, under article 4 of Act No. 20.820, the Ministry for Women and Gender Equity has a mandate to propose temporary measures, plans and programmes to attain substantive gender equality. Please provide specific examples of such measures, their inclusion in national policies and programmes and their concrete implementation with a view to promoting and accelerating the realization of substantive equality between women and men, in line with article 4 of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures.

Violence against women

9. According to the report (para. 28), bill No. 9279-07, prepared by the State party to amend Act No. 20.066 on domestic violence, is currently before the Congress. Please provide updated information on the current status and the content of the amendments to the Criminal Code on addressing violence against women, making sexual harassment in the street an offence and broadening the scope of existing provisions on femicide (paras. 26, 28 and 29).

10. It is indicated in the report (para. 24) that the Ministry for Women and Gender Equity is developing a data and statistics bank on violence against women. Please provide updated information on the current status of the database.

Trafficking and exploitation of prostitution

11. Please provide information on the assessment of the implementation of the national plan of action against human trafficking, 2013-2015 (paras. 55 and 61). Please indicate what specific measures have been taken to prevent trafficking for the purposes of sexual exploitation and forced labour of indigenous women and girls and women migrant workers. Please provide information on the prevalence of prostitution in the State party, the relevant legal framework and programmes for women wishing to leave prostitution, including by providing them with alternative income-generating opportunities and social reintegration programmes, as well on measures to reduce demand for prostitution. Please also indicate whether measures are in place to tackle violence against women in prostitution, including to support those wishing to seek remedies such as free legal aid and good-quality representation. Furthermore, please provide data on the number of complaints, investigations, prosecutions and convictions on the grounds of exploitation of prostitution and violence against women in prostitution.

Participation in political and public life

12. It is indicated in the report (para. 75) that Act No. 20.840 (2015) replaced the binominal electoral system with an inclusive system of proportional representation and introduced a gender parity requirement for lists of candidates. Please provide information on the impact of the Act on women's participation in political and public life. Please also provide information on measures taken to improve women's participation in political and public life at the local level. Please indicate whether any measures are in place to increase the representation of women within the diplomatic service. Please indicate what measures have been taken to address the barriers preventing indigenous and rural women from enjoying full and equal participation in political and public life and decision-making. Please provide further information on the programme on women's participation in political and public life and the leadership training schools (paras. 78 and 79) and their impact.

Nationality

13. In the report, it is indicated (para. 84) that the Aliens and Migration Department, in cooperation with the National Civil Registry and Identification Service, has implemented a system to rectify the registration of the children of aliens temporarily present in the country. Please provide information on the content of and the mechanism for operationalizing that system, as well as on the number of women whose children have benefited from it.

Education

14. It is indicated in the report (para. 92) that the Office of the Superintendent of Education, in cooperation with the National Service for Women and Gender Equality, has been working since 2015 on a draft protocol for complaints regarding violations of the rights of students who are pregnant or mothers. Please provide updated information on the status and the implementation of that protocol, as well as about the number of cases of discrimination related to pregnancy and/or maternity and the type of sanctions applied. Please also provide information on the activities undertaken and the results achieved by the Gender Equity Unit of the Undersecretariat for Education of the Ministry of Education, established in March 2015 (para. 96), as well as information on the implementation of the plan to promote education for gender equality for the period 2015-2018 (para. 96). Please further provide information on measures, including temporary special measures, taken to increase female participation in non-traditional areas of vocational training, as well as in the areas of technology and science, at the secondary and tertiary levels.

Employment

15. It is indicated in the report (para. 110) that the State party prepared a draft act to amend the Labour Code in order to improve the implementation of Act No. 20.348 on equal pay. It is further indicated (para. 111) that the State party promulgated Act No. 20.940, which is expected to reduce the wage gap between men and women. Please provide updated information on the current status of the amendments to the Labour Code and the timeline for their adoption. Please also indicate whether Act No. 20.545 and Act No. 20.761 amending provisions on maternity protection (paras. 49 and 50) apply to women working in both the formal and informal sectors.

Health

16. Please provide updated information (para. 127) on the current status of the draft legislation on decriminalizing the voluntary termination of pregnancy in three situations. Please also provide updated information on the status of the rules relating to family planning and contraceptive services that are currently being considered (para. 124).

17. Please provide information on measures taken to implement the recommendations of the Committee on the Rights of the Child (CRC/C/CHL/CO/4-5, para. 57) and the Committee on the Rights of Persons with Disabilities (CRPD/C/CHL/CO/1, para. 42) regarding the sterilization of women and girls, despite the prohibition of this practice.

Economic and social life

18. Alternative sources indicate that there is a moderate risk of corruption in the State party's public procurement sector and that public funds are sometimes diverted

to companies, individuals or groups, which may have negative consequences for all human rights, in particular women's rights. Please provide information regarding the impact of that potential source of corruption on the State party's obligations under the Convention and the advancement and protection of women's human rights.

Disaster risk reduction and climate change

19. Information is provided in the report on some measures taken since the 2010 earthquake and tsunami (para. 146) and it is also indicated (para. 144) that the Ministry of Health is working on a risk management plan that mainstreams the gender perspective in the primary care provided through the health-care system in connection with natural disasters. Please provide updated information on the current status of that plan. Please provide further details on the ways in which natural disasters and climate change affect women disproportionately in the State party. Please further indicate measures taken to ensure the equal participation of women at all levels of decision-making with regard to disaster risk reduction and climate change adaptation, in particular, at the National Platform for Disaster Risk Reduction (para. 139) and on the Risk and Gender Issues Management Board (para. 141).

Indigenous and rural women

20. It is indicated in the report (para. 100) that the Ministry of Education has been implementing a literacy plan since 2015 and that two thirds of the participants were expected to be women in 2016. Please provide information on measures taken to involve indigenous and rural women in the programme and on the outcome of the initiative. Please also provide updated information on measures, including policies and temporary special measures, implemented and envisaged to improve access by indigenous and rural women to justice, education, employment, health-care services, land and natural resources, credit facilities, community services, decision-making and participation in political and public life. In line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide statistics and describe to what extent rural and indigenous women are consulted and their rights and interests are taken into account. Please further indicate how the State party reconciles rural development with the demarcation of ancestral land rights of indigenous communities and what measures are in place to ensure that indigenous women have control over their resources and are able to practise their traditional way of life.

Women with disabilities and older women

21. The report contains little information on the situation of women with disabilities and of older women in the State party. Please provide information on measures taken to improve access by women with disabilities and older women to education, employment and health-care services, taking into account the specific needs of such women. Please provide information on measures taken to improve the situation of older women, with reference to the Committee's general recommendation No. 27 (2010) on older women and the protection of their human rights. Please also provide information on the legal remedies in regard to gender-based violence that are available to girls and women with disabilities and older women who are victims and survivors of gender-based violence.

Women in detention

22. It is indicated in the report (para. 37) that the State party is undertaking a programme to improve health care for women in detention. It is also indicated

(para. 39) that the Ministry of Justice and Human Rights is working on a comprehensive revision of prison regulations. Please provide updated information on the current status of these activities and indicate which specific health services are being targeted for improvement. Please also provide information on measures taken to implement the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/OP/CHL/1).

Marriage and family relations

23. Please provide information on measures taken to address the concern expressed by the Committee on the Rights of the Child (CRC/C/CHL/CO/4-5, para. 22) that the State party's legislation provides the possibility for children to get married at the age of 16 or 17, with the authorization of their parents or legal representatives. Please indicate the safeguard mechanisms that are in place to protect girls who have been allowed to marry, such as information about domestic violence legislation, sexual and reproductive health services and property rights. Please also specify what measures have been taken to change cultural attitudes to early marriage, including through awareness-raising campaigns, particularly among rural and indigenous communities. Please provide updated information on the amendments (para. 155) to the conjugal partnership regime with regard to the administration of the spouses' joint and separate property.